RECEIVED
CENTRAL FAX CENTER

OCT 15 2008

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200316371-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Ted T. Nguyen, et al.

Confirmation No.: 2914

Application No.: 10/761,469

Examiner: Brian J. Gillis

Filing Date: January 21, 2004

Group Art Unit: 2141

Title: DEVICE STATUS IDENTIFICATION

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on September 18, 2008.

☒ The fee for filing this Appeal Brief is $540.00 (37 CFR 41.20).

☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $130	☐ 2nd Month $490	☐ 3rd Month $1110	☐ 4th Month $1730

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of $ 540. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

☒ A duplicate copy of this transmittal letter is enclosed.

☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450
Date of Deposit:

OR

☒ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571)273-8300.
Date of facsimile: 10/15/2008
Typed Name: Jennifer L. Vomhof
Signature:

Respectfully submitted,
Ted T. Nguyen, et al.
By
Edward J. Brooks III
Attorney/Agent for Applicant(s)
Reg No. : 40,925
Date : 10/15/2008
Telephone : (612) 236-0120

Rev 10/08(AplBrief)

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200316371-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Ted T. Nguyen, et al.

Confirmation No.: 2914

Application No.: 10/761,469

Examiner: Brian J. Gillis

Filing Date: January 21, 2004

Group Art Unit: 2141

Title: DEVICE STATUS IDENTIFICATION

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on September 18, 2008.

☒ The fee for filing this Appeal Brief is $540.00 (37 CFR 41.20).

☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $130	☐ 2nd Month $490	☐ 3rd Month $1110	☐ 4th Month $1730

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of $ 540 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

☒ A duplicate copy of this transmittal letter is enclosed.

☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450
Date of Deposit:

OR

☒ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571)273-8300.
Date of facsimile: 10/15/2008

Typed Name: Jennifer L. Vomhof
Signature:

Respectfully submitted,
Ted T. Nguyen, et al.
By

Edward J. Brooks III
Attorney/Agent for Applicant(s)
Reg No. : 40,925
Date : 10/15/2008
Telephone : (612) 236-0120

Rev 10/08(ApiBrief)

Docket No.: 200316371-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	10/761,469
Appellants:	:	Ted Nguyen, et al.
Filed:	:	January 21, 2004
TC/A.U.	:	2141
Examiner:	:	Brian J. Gillis
Title	:	DEVICE STATUS IDENTIFICATION

APPEAL BRIEF

MS APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madame:

This brief, in compliance with 37 C.F.R. § 41.37, is in furtherance of the Notice of Appeal filed under 37 C.F.R. § 41.31 on September 18, 2008.

This brief is accompanied by the fee set forth in 37 CFR § 41.20(b)(2), as described in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37:

I. Real Party In Interest

II. Related Appeals and Interferences

III. Status of Claims

IV. Status of Amendments

V. Summary of Claimed Subject Matter

VI. Grounds of Rejection to be Reviewed on Appeal

VII. Argument

VIII. Claims Appendix

IX. Evidence Appendix

X. Related Proceedings Appendix

The final page of this brief bears the attorney's signature.

I. REAL PARTY IN INTEREST

The real parties in interest for this appeal are:

A. The Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"); and

B. HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERANCES

Appellant submits that no related application is presently undergoing appeal or interference proceedings.

III. STATUS OF CLAIMS

A. Total Claims: 1-34

B. Current Status of Claims:

1. Claims canceled: none
2. Claims withdrawn: none
3. Claims pending: 1-34
4. Claims allowed: none
5. Claims rejected: 1-34
6. Claims objected to: none

C. Claims on Appeal: 1-34

IV. STATUS OF AMENDMENTS

Appellant has not filed any amendments to the application subsequent to the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A. Independent claim 1

Independent claim 1 recites a network management station (page 6, line 23; page 7, lines 5, 9-10, and 23-24; page 8, lines 5-6 and 32-33; page 9, line 17; page 11, lines 2-3, and 5; page 12, lines 1 and 3; page 13, lines 12 and 29; page 15, lines 20-21 and 24; and Figure 1 at 112) that includes a processor (page 7, lines 4-5 and 8), a memory (page 7, lines 4-5 and 8; page 8, line 32; and page 12, line 28) coupled to the processor, and program instructions (page 7, lines 8-9 and 11-14; page 9, lines 4-5, 10-11, and 26; page 10, lines 5, 7-8, and 12-13; page 11, lines 6-7 and 20-26; page 12; lines 29-30; page 13, lines 9, 19-20, 23, and 26-27; page 14, lines 20, 27-28, 32-33; and page 14, lines 2-3, 5, and 25) provided to the memory and executable by the processor.

The program instructions are executable to transmit an SNMP message to a device connected to the management station over a network (Abstract; page 5, lines 21-22; page 7, lines 16-24; page 11, line 32, through page 12, lines 4-6; page 14, lines 4-7; Figure 2 at 210; and Figure 3 at 310), open a socket connection on the device in response to an SNMP error message returned from the device (Abstract; page 5, lines 6-12 and 22-25; page 8, lines 22-25; page 9, lines 7-9 and 15-22; page 10, lines 1-31; page 11, line 32, through page 13, line 6; page 12, lines 6-7; page 14, lines 13-17 and 29-31; Figure 2 at 220; and Figure 3 at 320, 330), and initiate a

time-out function upon opening the socket connection (Abstract; page 5, line 26, through page 6, line 7; page 9, line 10, through page 10, line 31; page 12, lines 7-9; page 13, lines 7-22; page 14, lines 18-24 and 29-32; Figure 2 at 230; and Figure 3 at 340).

Independent claim 1 is argued together with dependent claims 2-9.

1. Claim 2 is dependent from independent claim 1 and recites that the program instructions include a platform independent function call to execute instructions which open the socket connection (Abstract; page 5, lines 5-7, 11-13, and 22-25; page 8, lines 21-29; page 9, lines 7-9; page 10, lines 1-4 and 22-31; page 12, lines 5-7 and 24-25; page 13, lines 1-6; page 14, lines 13-17 and 29-31; page 15, lines 10-16; Figure 2 at 210, 220; and Figure 3 at 310, 330).

2. Claim 3 is dependent from dependent claim 2 and recites that the platform independent function call is a Java based function call (page 5, lines 5-6, 12-13, and 23-24; page 8, lines 25-29; page 10, lines 23-24 and 28; page 12, lines 6-7; page 13, lines 1-4; page 14, lines 13-17 and 31; page 15, lines 10-13; and Figure 3 at 330).

3. Claim 4 is dependent from independent claim 1 and recites that the SNMP error message includes a generic error message (page 8, lines 17-18; and page 12, lines 17-18).

4. Claim 5 is dependent from independent claim 1 and recites that the network management station further includes program instructions which can execute to selectably establish a time period in connection with the time-out

function based on input from a network administrator (page 6, lines 4-5; page 13, line 32, through page 14, line 2; and page 14, lines 21-24).

5. Claim 6 is dependent from independent claim 1 and recites that the network management station further includes program instructions which execute to indicate a status of the device based on successful SNMP messages and the time-out function (page 5, lines 27-32; page 10, lines 4-10; page 13, lines 29-30; page 14, lines 25-29; page 14, line 32, through page 15, line 3; and page 15, lines 25-30).

6. Claim 7 is dependent from independent claim 1 and recites that the program instructions execute to indicate a device is down when both the SNMP error message and a time-out failure message are received (page 5, line 32, through page 6, line 4; page 9, lines 19-22; page 10, lines 10-13; page 13, lines 14-23; and page 15, lines 3-6 and 30-32).

7. Claim 8 is dependent from independent claim 1 and recites that the device and the station are connected over a local area network (LAN) (page 6, lines 8-32; page 11, line 33, through page 12, line 1; and Figure 1).

8. Claim 9 is dependent from independent claim 1 and recites that the device and the station are connected over a wide area network (WAN) (page 6, lines 8-32; page 11, line 33, through page 12, line 1).

B. Independent claim 10

Independent claim 10 recites a network management station (page 6, line 23; page 7, lines 5, 9-10, and 23-24; page 8, lines 5-6 and 32-33; page 9, line 17; page 11, lines 2-3, and 5; page 12, lines 1 and 3; page 13, lines 12 and 29; page 15, lines

20-21 and 24; and Figure 1 at 112) that includes a processor (page 7, lines 4-5 and 8), a memory (page 7, lines 4-5 and 8; page 8, line 32; and page 12, line 28) coupled to the processor, and program instructions (page 7, lines 8-9 and 11-14; page 9, lines 4-5, 10-11, and 26; page 10, lines 5, 7-8, and 12-13; page 11, lines 6-7 and 20-26; page 12; lines 29-30; page 13, lines 9, 19-20, 23, and 26-27; page 14, lines 20, 27-28, 32-33; and page 14, lines 2-3, 5, and 25) provided to the memory and executable by the processor.

The program instructions are executable to send an SNMP request to a device connected to the management station over a network (Abstract; page 5, lines 21-22; page 7, lines 16-24; page 11, line 32, through page 12, lines 4-6; page 14, lines 4-7; Figure 2 at 210; and Figure 3 at 310), register a return error message to the SNMP request from device (page 14, lines 7-12; and page 15, lines 5-9), execute a Java based function call to open a socket connection on the device in response to the return error message (page 5, lines 5-6, 12-13, and 23-24; page 8, lines 25-29; page 10, lines 23-24 and 28; page 12, lines 6-7; page 13, lines 1-4; page 14, lines 13-17 and 31; page 15, lines 10-13; and Figure 3 at 330), initiate a time-out function upon opening the socket connection (Abstract; page 5, line 26, through page 6, line 7; page 9, line 10, through page 10, line 31; page 12, lines 7-9; page 13, lines 7-22; page 14, lines 18-24 and 29-32; Figure 2 at 230; and Figure 3 at 340), and indicate a device status based on successful SNMP requests and the time-out function (page 5, line 32, through page 6, line 4; page 9, lines 19-22; page 10, lines 10-13; page 13, lines 14-23; and page 15, lines 3-6 and 30-32).

Independent claim 10 is argued together with dependent claims 11-14.

1. Claim 11 is dependent from independent claim 10 and recites that the program instructions execute to indicate the device status is up upon receiving successful SNMP requests (page 5, line 32, through page 6, line 4; page 9, lines 19-22; page 10, lines 10-13; page 13, lines 14-23; and page 15, lines 3-6 and 30-32).

2. Claim 12 is dependent from independent claim 10 and recites that the program instructions execute to indicate the device status is up when a return error message to the SNMP request is registered by the program instructions (page 14, lines 7-12; and page 15, lines 5-9), and a response is received by the program instructions prior to an expiration of the time-out function (page 5, lines 27-31; page 9, lines 15-29; page 11, lines 10-14; page 13, lines 1-23 and 29-30; page 14, line 32, through page 15, line 3; page 15, lines 27-30; and Figure 3 at 350).

3. Claim 13 is dependent from independent claim 10 and recites that the network management station further includes program instructions to selectably establish a time-out period in association with the time-out function (page 5, lines 27-32; page 10, lines 4-10; page 13, lines 29-30; page 14, lines 25-29; page 14, line 32, through page 15, line 3; and page 15, lines 25-30).

4. Claim 14 is dependent from dependent claim 13 and recites that the program instructions execute to indicate the device status is down when a return error message to the SNMP request is registered by the program instructions, and a time-out failure message associated with the time-out function is received by the program instructions (page 5, line 32, through page 6, line 4; page 9, lines 19-22; page 10, lines 10-13; page 13, lines 14-23; and page 15, lines 3-6 and 30-32).

C. Independent claim 15

Independent claim 15 recites a method for device status identification (Title; Abstract; page 4, lines 27-28; page 5, lines 18-19; page 6, lines 6-7; page 10, lines 25-26; page 11, lines 18-19 and 31-32; page 12, lines 8-9; and page 14, lines 4-5) that includes transmitting an SNMP message to a device (Abstract; page 5, lines 21-22; page 7, lines 16-24; page 11, line 32, through page 12, lines 4-6; page 14, lines 4-7; Figure 2 at 210; and Figure 3 at 310), opening a socket connection on the device in response to an SNMP error message returned from the device (Abstract; page 5, lines 6-12 and 22-25; page 8, lines 22-25; page 9, lines 7-9 and 15-22; page 10, lines 1-31; page 11, line 32, through page 13, line 6; page 12, lines 6-7; page 14, lines 13-17 and 29-31; Figure 2 at 220; and Figure 3 at 320, 330), and initiating a time-out function upon opening the socket connection (Abstract; page 5, line 26, through page 6, line 7; page 9, line 10, through page 10, line 31; page 12, lines 7-9; page 13, lines 7-22; page 14, lines 18-24 and 29-32; Figure 2 at 230; and Figure 3 at 340).

Independent claim 15 is argued together with dependent claims 16-23.

1. Claim 16 is dependent from independent claim 15 and recites that the method further includes using a platform independent function call to open the socket connection on the device (Abstract; page 5, lines 5-7, 11-13, and 22-25; page 8, lines 21-29; page 9, lines 7-9; page 10, lines 1-4 and 22-31; page 12, lines 5-7 and 24-25; page 13, lines 1-6; page 14, lines 13-17 and 29-31; page 15, lines 10-16; Figure 2 at 210, 220; and Figure 3 at 310, 330).

2. Claim 17 is dependent from dependent claim 16 and recites

that the method further includes using a Java based function call to open the socket connection on the device (page 5, lines 5-6, 12-13, and 23-24; page 8, lines 25-29; page 10, lines 23-24 and 28; page 12, lines 6-7; page 13, lines 1-4; page 14, lines 13-17 and 31; page 15, lines 10-13; and Figure 3 at 330).

3. Claim 18 is dependent from independent claim 15 and recites that the method further includes establishing a time out period in association with the time-out function (page 6, lines 4-5; page 13, line 32, through page 14, line 2; and page 14, lines 21-24).

4. Claim 19 is dependent from dependent claim 18 and recites that the method further includes indicating the device is down upon registering the SNMP error message, and receiving a time-out failure message associated with the time-out function (page 5, line 32, through page 6, line 4; page 9, lines 19-22; page 10, lines 10-13; page 13, lines 14-23; and page 15, lines 3-6 and 30-32).

5. Claim 20 is dependent from dependent claim 19 and recites that the method further includes visually indicating the device is down using a colored icon (page 11, lines 14-16; page 13, lines 24-29; and page 15, lines 30-32).

6. Claim 21 is dependent from independent claim 15 and recites that the method further including indicates the device is up upon receiving successful SNMP requests (page 5, line 32, through page 6, line 4; page 9, lines 19-22; page 10, lines 10-13; page 13, lines 14-23; and page 15, lines 3-6 and 30-32).

7. Claim 22 is dependent from independent claim 15 and recites that the method further includes indicating the device is up upon registering the returned SNMP error message to the transmitted SNMP message (page 14, lines 7-

12; and page 15, lines 5-9), and receiving a response prior to an expiration of the time-out function upon opening the socket connection (page 5, lines 27-31; page 9, lines 15-29; page 11, lines 10-14; page 13, lines 1-23 and 29-30; page 14, line 32, through page 15, line 3; page 15, lines 27-30; and Figure 3 at 350).

D. Independent claim 23

Independent claim 23 recites a method for device status identification (Title; Abstract; page 4, lines 27-28; page 5, lines 18-19; page 6, lines 6-7; page 10, lines 25-26; page 11, lines 18-19 and 31-32; page 12, lines 8-9; and page 14, lines 4-5) that includes sending an SNMP request to a device (Abstract; page 5, lines 21-22; page 7, lines 16-24; page 11, line 32, through page 12, lines 4-6; page 14, lines 4-7; Figure 2 at 210; and Figure 3 at 310), registering a return error message from the device in response to the SNMP request (page 14, lines 7-12; and page 15, lines 5-9), executing a Java based function call to open a socket connection on the device in response to the return error message (page 5, lines 5-6, 12-13, and 23-24; page 8, lines 25-29; page 10, lines 23-24 and 28; page 12, lines 6-7; page 13, lines 1-4; page 14, lines 13-17 and 31; page 15, lines 10-13; and Figure 3 at 330), initiating a time-out function upon opening the socket connection (Abstract; page 5, line 26, through page 6, line 7; page 9, line 10, through page 10, line 31; page 12, lines 7-9; page 13, lines 7-22; page 14, lines 18-24 and 29-32; Figure 2 at 230; and Figure 3 at 340), and indicating a device status based on successful SNMP requests and the time-out function (page 5, line 32, through page 6, line 4; page 9, lines 19-22; page 10, lines 10-13; page 13, lines 14-23; and page 15, lines 3-6 and 30-32).

Independent claim 23 is argued together with dependent claims 24-25.

1. Claim 24 is dependent from independent claim 23 and recites that the method further includes indicating a device is up if a message is returned from the socket connection of the device prior to an expiration of the time-out function (page 5, lines 27-31; page 9, lines 15-29; page 11, lines 10-14; page 13, lines 1-23 and 29-30; page 14, line 32, through page 15, line 3; page 15, lines 27-30; and Figure 3 at 350).

2. Claim 25 is dependent from independent claim 23 and recites that the method further includes indicating a device is down if no message is returned from the socket connection of the device prior to an expiration of the time-out function (page 5, line 32, through page 6, line 4; page 9, lines 19-22; page 10, lines 10-13; page 13, lines 14-23; and page 15, lines 3-6 and 30-32).

E. Independent claim 26

Independent claim 26 recites a computer readable medium having instructions (page 7, lines 8-9 and 11-14; page 9, lines 4-5, 10-11, and 26; page 10, lines 5, 7-8, and 12-13; page 11, lines 6-7 and 20-26; page 12; lines 29-30; page 13, lines 9, 19-20, 23, and 26-27; page 14, lines 20, 27-28, 32-33; and page 14, lines 2-3, 5, and 25) for causing a device to perform a method that includes transmitting an SNMP message to a device on a network (Abstract; page 5, lines 21-22; page 7, lines 16-24; page 11, line 32, through page 12, lines 4-6; page 14, lines 4-7; Figure 2 at 210; and Figure 3 at 310), opening a socket connection on the device in response to an SNMP error message returned from the device (Abstract; page 5, lines 6-12 and 22-25; page 8, lines 22-25; page 9, lines 7-9 and 15-22; page 10, lines 1-31; page 11, line 32, through page 13, line 6; page 12, lines 6-7; page 14, lines 13-17

and 29-31; Figure 2 at 220; and Figure 3 at 320, 330), and initiating a time-out function upon opening the socket connection (Abstract; page 5, line 26, through page 6, line 7; page 9, line 10, through page 10, line 31; page 12, lines 7-9; page 13, lines 7-22; page 14, lines 18-24 and 29-32; Figure 2 at 230; and Figure 3 at 340).

Independent claim 26 is argued together with dependent claim 27.

1. Claim 27 is dependent from independent claim 26 and recites that the computer readable medium further includes indicating a device status based on successful SNMP requests and the time-out function (page 5, lines 27-32; page 10, lines 4-10; page 13, lines 29-30; page 14, lines 25-29; page 14, line 32, through page 15, line 3; and page 15, lines 25-30).

F. Independent claim 28

Independent claim 28 recites a network management station (page 6, line 23; page 7, lines 5, 9-10, and 23-24; page 8, lines 5-6 and 32-33; page 9, line 17; page 11, lines 2-3, and 5; page 12, lines 1 and 3; page 13, lines 12 and 29; page 15, lines 20-21 and 24; and Figure 1 at 112) that includes a processor (page 7, lines 4-5 and 8), a memory (page 7, lines 4-5 and 8; page 8, line 32; and page 12, line 28) coupled to the processor, and means for determining a status of a device (Title; Abstract; page 4, lines 27-28; page 5, lines 18-19; page 6, lines 6-7; page 10, lines 25-26; page 11, lines 18-19 and 31-32; page 12, lines 8-9; and page 14, lines 4-5) connected to the management station over a network in a platform independent manner (Abstract; page 5, lines 5-7, 11-13, and 22-25; page 8, lines 21-29; page 9, lines 7-9; page 10, lines 1-4 and 22-31; page 12, lines 5-7 and 24-25; page 13, lines

1-6; page 14, lines 13-17 and 29-31; page 15, lines 10-16; Figure 2 at 210, 220; and Figure 3 at 310, 330).

Independent claim 28 is argued together with dependent claims 29-34.

1. Claim 29 is dependent from independent claim 28 and recites that the means includes program instruction which execute to send a simple network management protocol (SNMP) request to the device (Abstract; page 5, lines 21-22; page 7, lines 16-24; page 11, line 32, through page 12, lines 4-6; page 14, lines 4-7; Figure 2 at 210; and Figure 3 at 310).

2. Claim 30 is dependent from dependent claim 29 and recites that the means includes program instruction which execute to register successful SNMP requests as an up status for the device (page 5, line 32, through page 6, line 4; page 9, lines 19-22; page 10, lines 10-13; page 13, lines 14-23; and page 15, lines 3-6 and 30-32).

3. Claim 31 is dependent from dependent claim 29 and recites that the means includes program instructions which execute to register an up status for the device when a return error message to an SNMP request is received by the program instructions (page 14, lines 7-12; and page 15, lines 5-9), and a response message associated with opening a socket connection on the device is received by the program instructions prior to an expiration of a time-out function (page 5, lines 27-31; page 9, lines 15-29; page 11, lines 10-14; page 13, lines 1-23 and 29-30; page 14, line 32, through page 15, line 3; page 15, lines 27-30; and Figure 3 at 350).

4. Claim 32 is dependent from dependent claim 29 and recites

that the means includes program instructions which execute to register a down status for the device when a return error message to an SNMP request is received by the program instructions, and a time-out failure message associated with a time-out function is received by the program instructions (page 5, line 32, through page 6, line 4; page 9, lines 19-22; page 10, lines 10-13; page 13, lines 14-23; and page 15, lines 3-6 and 30-32).

5. Claim 33 is dependent from dependent claim 29 and recites that the means includes program instructions having a platform independent function call to execute instructions which open a socket connection on the device (Abstract; page 5, lines 5-7, 11-13, and 22-25; page 8, lines 21-29; page 9, lines 7-9; page 10, lines 1-4 and 22-31; page 12, lines 5-7 and 24-25; page 13, lines 1-6; page 14, lines 13-17 and 29-31; page 15, lines 10-16; Figure 2 at 210, 220; and Figure 3 at 310, 330).

6. Claim 34 is dependent from dependent claim 33 and recites that the platform independent function call is a Java based function (page 5, lines 5-6, 12-13, and 23-24; page 8, lines 25-29; page 10, lines 23-24 and 28; page 12, lines 6-7; page 13, lines 1-4; page 14, lines 13-17 and 31; page 15, lines 10-13; and Figure 3 at 330).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether or not claims 1-5, 8, 9, 15-18, and 26 are unpatentable under 35 USC § 103(a) as being unpatentable over Ellis (U.S. Patent No. 5,719,882) (Reliable Datagram Packet Delivery For Simple Network Management Protocol (SNMP)) in view of Maso, et al. (U.S. Publ. No. 2003/0061265) (Application Manager For Monitoring And Recovery Of Software Based Application Processes).

B. Whether or not claims 10-14, 23-25, and 28-34 are unpatentable under 35 USC § 103(a) as being unpatentable over Ellis (U.S. Patent No. 5,719,882) in view of Maso, et al. (U.S. Publ. No. 2003/0061265) in view of Grieve, et al. (U.S. Publ. No. 2003/0149756) (Communication Management Method And System).

C. Whether or not claims 6, 7, 19, 21, 22 and 27 are unpatentable under 35 USC § 103(a) as being unpatentable over Ellis (U.S. Patent No. 5,719,882) in view of Maso, et al. (U.S. Publ. No. 2003/0061265) as applied to claims 1, 15 and 26 above, and further in view of Grieve, et al. (U.S. Publ. No. 2003/0149756).

D. Whether or not claim 20 is unpatentable under 35 USC § 103(a) as being unpatentable over Ellis (U.S. Patent No. 5,719,882) in view of Maso, et al. (U.S. Publ. No. 2003/0061265) in view of Grieve, et al. (U.S. Publ. No. 2003/0149756) as applied to claim 19 above, and further in view of Richardson (U.S. Patent No. 6,054,987) (Method Of Dynamically Creating Nodal Views Of A Managed Network).

VII. ARGUMENT

A. Arguments against the rejections under § 103(a) over the Ellis '882 reference in view of the Maso '265 reference.

1. Arguments regarding claims 1-5, 8, 9, 15-18, and 26.

a. **For claims 1-5, 8, 9, 15-18, and 26, the cited references do not teach, suggest, or make obvious each and every element and limitation.**

Appellant does not admit that the Maso '265 reference is indeed prior art and reserves the right swear behind at a future date. Nonetheless, Appellant respectfully submits that the elements and limitations of the claims of the present application, as recited herein, are patentably distinguishable from the teachings of the cited references for at least the following reasons.

Appellant's independent claims 1, 15, and 26, each recites, "open[ing] a socket connection on the device in response to an SNMP error message returned from the device".

With regard to independent claims 1, 15, and 26, Appellant respectfully submits that the Ellis '882 and Maso '265 references, either individually or in combination, do not teach, suggest, or make obvious each and every element and limitation recited in independent claims 1, 15, and 26. The Final Office Action (FOA) mailed on August 4, 2008, stated with regard to independent claims 1, 15, and 26 that the Ellis '882 reference, "fails to teach opening a socket connection on the device in response to an SNMP error message returned from the device." (Pages 3, 4-5, and 6, respectively). However, the Office Action went on to state that the Maso '265 reference, "teaches if a device replies with a message and is not

registered then a socket connection is opened (paragraph 137)." (Pages 3, 5, and 6, respectively).

Appellant respectfully submits that paragraph 0137 of the Maso '265 reference states:

> If the Instrument is pre-registered (including known OS instruments, and other industry-standard interfaces such as SNMP and NT-Perfmon), the Standard Instrument Adapter is invoked, and registered to the appropriate data in step S241. If it is not pre-registered, a continuous TCP socket connection (see U.S. Pat. No. 09/596,763) to the Instrument Data Server (IDS) is established per configuration in step S242. In step S243 the Engine signs into the IDS and registers for the Instrument in question. Then in step S244 it assigns the callback method to be invoked when new Instrument data is received (during runtime, this mechanism is what triggers the Instrument evaluation described in FIG. 7).

By so stating, the Maso '265 reference appears to teach that if an instrument is not pre-registered, a continuous socket connection to the instrument data server (IDS) is established, and the engine signs into the IDS and registers for the instrument. That is, the reference appears to teach that a socket connection to the IDS is established in response to the instrument not being pre-registered. However, the Maso '265 reference does not appear to teach that a socket connection to the

IDS is established in response to an SNMP error message returned from the instrument.

The Maso '265 reference appears to teach that the continuous socket connection is established only if an instrument is not "pre-registered", as just presented. However, for example, page 12, lines 13-17, of the present application teaches with regard to "an SNMP error message", as recited in independent claims 1, 15, and 26:

> In some instances, however, an SNMP request may return an error message to the program which sent the SNMP request. For example, an error message may be returned if the SNMP request does not have a correct password, IP address, community name, and/or port number for a given network attached device to which the request was sent.

Appellant respectfully submits that the Ellis '882 and the Maso '265 references, individually or in combination, do not teach, suggest, or make obvious, "open[ing] a socket connection on the device in response to an SNMP error message returned from the device", as recited in Appellant's independent claims 1, 15, and 26. That is, neither reference teaches, "an error message may be returned if the SNMP request does not have a correct password, IP address, community name, and/or port number for a given network attached device to which the request was sent", as recited in Appellant's specification.

With regard to such deficiencies, the Response to Arguments section on page 18 of the August 4, 2008, FOA stated:

> The Examiner respectfully disagrees, Maso et al teaches establishing a socket connection in response to determining the device is not registered using SNMP, which is known in the art to include the return of "traps" or error messages from a device (paragraph 137).

By so stating, the Examiner appears to concede that the Maso '265 reference does not explicitly teach returning an SNMP error message resulting from not having "a correct password, IP address, community name, and/or port number", as recited in the specification of the present application.

However, the Examiner appears to take Official Notice by stating that socket connections are "known in the art" to be opened based upon error messages resulting from not having "a correct password, IP address, community name, and/or port number". Appellant notes that MPEP section 2144.03 states:

> It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as a standard in the pertinent art.

Accordingly, Appellant respectfully requests a "citation to some reference well recognized in the pertinent art" that supports stating that it "is known in the art

to include the return of "traps" or error messages from a device" (e.g., a correct password, IP address, community name, and/or port number) as error messages the response to which is opening a socket connection. In the alternative, Appellant requests, as further stated in MPEP section 2144.03:

> If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding.

In addition, Appellant's independent claims 1, 15, and 26, each recites, "initiate [or initiating] a time-out function upon opening the socket connection".

With regard to the time-out function, the specification of the present application recites on page 9, lines 23-28:

> According to various embodiments, the polling program is provided with a time out period or threshold set somewhere between the return response time expectation from an "up" device and the return response time expectation from a "down" device. The program instructions execute to determine whether the return response from opening the socket connection is received within the established time out period.

The specification goes on to recite on page 10, lines 7-13:

In the various embodiments, the polling program executes instructions to indicate a given device is "up" when a response is returned within the established time out period from opening the socket connection. Conversely, the time-out function will generate a "time-out" failure message when a response is not returned within the established time out period from opening the socket connection. In these instances the polling program executes instructions to indicate that a given device is "down".

The FOA mailed on August 4, 2008, stated with regard to independent claims 1, 15, and 26 that the Ellis '882 reference teaches, "if the manager does not receive an acknowledgement a time period is set before a time-out (column 4, lines 47-65)." (Pages 3, 4, and 6). Appellant notes that the cited section of the Ellis '882 reference states in part:

> When a hub manager 51 does not receive an acknowledgement of a network management data packet, hub manager 51 will wait a certain amount of time, and then retry by sending another network management packet. After a certain number of retries, hub manager 51 will record a timeout and presume the unresponsive network device is presently not available. In order to assure optimal performance, hub manager 51 must carefully select an optimal time to wait before initiating a retry, and perform an optimal number of retries.

By so stating, the Ellis '882 reference appears to be teaching away from the purpose of Appellant's present application. That is, while the Ellis '882 reference appears to teach trying to and repeatedly retrying to send a network data packet, independent claims 1, 15, and 26 of the present application teach that a single SNMP message is transmitted to a device and that a time-out function is executed to determine whether a response has been received within a particular time period (i.e., the time-out period).

Support for such can be found in the specification of the present application as originally submitted, which recites, for example, on page 9, lines 15-22:

> As one of ordinary skill in the art will appreciate, once a socket connection is opened the program which opened the socket connection, whether on the network management station or otherwise, will typically receive a return response from a functioning, "up" device within a matter of a few seconds, e.g., 1 to 2 seconds. In contrast, in the case of a non-functioning, "down" device the program which opened the socket connection may not receive a return response until a measurable greater period of time has elapsed, e.g., 10 seconds.

The specification goes on to recite, for example, on page 9, lines 28-33:

> By way of example and not by way of limitation, a time out period is set at 2-3 seconds from opening the socket connection. However,

embodiments are not limited to this time frame example. One of ordinary skill in the art will appreciate that various time frames, or time-out thresholds can be provided to the polling program embodiments as suitable to a particular network environment.

The specification of the present application provides reasoning for setting a time-out period as such, for example, on page 10, lines 22-26:

> Thus, the polling program embodiments combine the use of platform independent SNMP request messages, the use of a platform independent function call for opening a socket connection, e.g., a Java function call, and the use of a time-out function to provide a quick and efficient device status identification technique.

As such, Appellant respectfully submits that each and every element and limitation of independent claims 1, 15, and 26, is not taught, suggested, or made obvious in the Ellis '882 and Maso '265 references, either independently or in combination. Accordingly, Application respectfully requests reconsideration and withdrawal of the 103 rejection of independent claims 1, 15, and 26, as well as those claims that depend therefrom.

B. Arguments against the rejections under § 103(a) over the Ellis '882 reference in view of the Maso '265 reference and further in view of the Grieve '756 reference.

1. Arguments regarding claims 10-14, 23-25, and 28-34.

a. **For claims 10-14, 23-25, and 28-34, the cited references do not teach, suggest, or make obvious each and every element and limitation.**

Appellant does not admit that either the Maso '265 reference or the Grieve '756 reference is indeed prior art and reserves the right swear behind at a future date. Nonetheless, Appellant respectfully submits that the elements and limitations of the claims of the present application, as recited herein, are patentably distinguishable from the teachings of the cited references for at least the following reasons.

Appellant's independent claim 10 recites:

register a return error message to the SNMP request from device;

execute a Java based function call to open a socket connection on the device in response to the return error message;

initiate a time-out function upon opening the socket connection; and

indicate a device status based on successful SNMP requests and the time-out function.

In addition, independent claim 23 of the present application recites:

registering a return error message from the device in response to the SNMP request;

executing a Java based function call to open a socket connection on the device in response to the return error message;

initiating a time-out function upon opening the socket connection; and

indicating a device status based on successful SNMP requests and the time-out function.

With regard to independent claims 10 and 23, Appellant respectfully submits that the Ellis '882, Maso '265, and Grieve '756 references, either individually or in combination, do not teach, suggest, or make obvious each and every element and limitation recited in independent claims 10 and 23. The FOA mailed on August 4, 2008, stated on pages 7 and 10 with regard to independent claims 10 and 23, respectively, that the Ellis '882 reference:

> fails to teach registering a return error message to the SNMP request from device; execute a Java based function call to open a socket connection on the device in response to the return error message and indicate a device status based on successful SNMP requests and the time-out function.

However, the FOA went on to state that the Maso '265 reference "teaches if a device replies with a message and is not registered then a socket connection is opened with a Java function (paragraph 119 and 137)." (Pages 7 and 9).

As previously presented with regard to independent claims 1, 15, and 26, the Maso '265 reference appears to teach that if an instrument is not pre-registered, a continuous socket connection to the instrument data server (IDS) is established, and the engine signs into the IDS and registers for the instrument. That is, the reference appears to teach that a socket connection to the IDS is established in response to the instrument not being pre-registered.

However, the reference does not teach that a socket connection to the IDS is established in response to a return error message from the instrument as previously presented with regard to independent claims 1, 15, and 26. That is, the Maso '265 reference does not teach that a socket connection to the IDS is established in response to registering an SNMP error message resulting from, for example, not having "a correct password, IP address, community name, and/or port number", as recited in the specification of the present application. (E.g., page 12, lines 13-17).

As presented above with regard to independent claims 1, 15, and 26, the Examiner appears to take Official Notice by stating that socket connections are "known in the art" to be opened based upon error messages resulting from not having "a correct password, IP address, community name, and/or port number". Per MPEP section 2144.03, Appellant respectfully requests a "citation to some reference work recognized as a standard in the pertinent art" that supports stating that the recited elements and limitations of independent claims 10 and 23 are known in the art or, in the alternative, an affidavit or declaration setting forth specific factual statements and explanation to support the finding.

In addition, neither the Ellis '882 reference, the Maso '265 reference, nor the Grieve '756 reference, individually or in combination, teaches, "initiate [initiating] a time-out function upon opening the socket connection; and indicate [indicating] a device status based on successful SNMP requests and the time-out function", as recited in independent claims 10 and 23. As previously presented with regard to independent claims 1, 15, and 26, the Ellis '882 reference appears to teach away form using a timeout function as described in the specification of the present application (e.g., as recited on: page 9, lines 15-22 and 28-33; and page 10, lines 7-13).

Additionally, from Appellant's review of the Grieve '756 reference, the Grieve '756 reference does not cure the deficiencies of the Ellis '882 and Maso '265 references. That is, the Ellis '882, Maso '265, and Grieve '756 references, individually or in combination, do not teach, suggest, or make obvious program instructions provided to the memory and executable by the processor to:

register a return error message to the SNMP request from device;

execute a Java based function call to open a socket connection on the device in response to the return error message;

initiate a time-out function upon opening the socket connection; and

indicate a device status based on successful SNMP requests and the time-out function.

as recited in independent claim 10. Nor do the Ellis '882, Maso '265, and Grieve '756 references, individually or in combination, teach, suggest, or make obvious:

registering a return error message from the device in response to the SNMP request;

executing a Java based function call to open a socket connection on the device in response to the return error message;

initiating a time-out function upon opening the socket connection; and

indicating a device status based on successful SNMP requests and the time-out function.

as recited in independent claim 23.

Appellant's independent claim 28 recites, "means for determining a status of a device connected to the management station over a network in a platform independent manner."

With regard to independent claim 28, Appellant respectfully submits that the Ellis '882, Maso '265, and Grieve '756 references, either individually or in combination, do not teach, suggest, or make obvious each and every element and limitation recited in independent claim 28. The FOA mailed on August 4, 2008, stated on page 11 with regard to independent claim 28 that the Ellis '882 reference, "fails to teach determining the status of a device in a platform independent manner." However, the FOA went on to state on page 11 that the Maso '265

reference, "teaches if a device replies with a message and is not registered then a socket connection is opened with a Java function (paragraph 119 and 137)."

As previously presented with regard to independent claims 1, 15, and 26, the Maso '265 reference appears to teach that if an instrument is not pre-registered, a continuous socket connection to the instrument data server (IDS) is established, and the engine signs into the IDS and registers for the instrument. The Maso '265 reference also appears to teach that if the instrument is pre-registered, the standard instrument adapter is invoked and registered to the appropriate data. That is, the reference appears to teach different steps that are performed in response to whether the instrument is pre-registered (e.g., in response to the status of the instrument). However, the reference does not appear to teach means for determining a status of the instrument.

Additionally, from Appellant's review of the Grieve '756 reference, the Grieve '756 reference does not cure the deficiencies of the Ellis '882 and Maso '265 references. That is, the Ellis '882, Maso '265, and Grieve '756 references, individually or in combination, do not teach, suggest, or make obvious, "means for determining a status of a device connected to the management station over a network in a platform independent manner", as recited in independent claim 28.

As such, Appellant respectfully submits that each and every element and limitation of independent claims 10, 23, and 28 is not taught, suggested, or made obvious in the Ellis '882, Maso '265, and Grieve '756 references, either independently or in combination. Accordingly, Application respectfully requests

reconsideration and withdrawal of the 103 rejection of independent claims 10, 23, and 28, as well as those claims that depend therefrom.

C. Arguments against the rejection under § 103(a) over the Ellis '882 reference in view of the Maso '265 reference and further in view of the Grieve '756 reference.

1. Arguments regarding claims 6-7, 19, 21-22, and 27.

a. **For claims 6-7, 19, 21-22, and 27, the cited references do not teach, suggest, or make obvious each and every element and limitation.**

Appellant does not admit that either the Maso '265 reference or the Grieve '756 reference is indeed prior art and reserves the right swear behind at a future date. Nonetheless, Appellant respectfully submits that the elements and limitations of the claims of the present application, as recited herein, are patentably distinguishable from the teachings of the cited references for at least the following reasons.

Claims 6-7 depend from independent claim 1, claims 19 and 21-22 depend from independent claim 15, and claim 27 depends from independent claim 26. For the reasons previously presented, Applicant respectfully submits that independent claims 1, 15, and 26 are in condition for allowance. From Appellant's review of the Grieve '756 reference, the Grieve '756 reference does not cure the deficiencies of the Ellis '882 and Maso '265 references. That is, the Ellis '882, Maso '265, and Grieve '756 references, alone or in combination, do not teach, suggest, or make obvious, "open[ing] a socket connection on the device in response to an SNMP error

message returned from the device", as recited in independent claims 1, 15, and 26. Accordingly, Appellant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claims 6-7, 19, 21-22, and 27.

D. Arguments against the rejection under § 103(a) over the Ellis '882 reference in view of the Maso '265 reference in view of the Grieve '756 reference and further in view of the Richardson '987 reference.

1. Arguments regarding dependent claim 20.

a. **For dependent claim 20, the cited references do not teach, suggest, or make obvious each and every element and limitation.**

Appellant does not admit that either the Maso '265 reference or the Grieve '756 reference is indeed prior art and reserves the right swear behind at a future date. Nonetheless, Appellant respectfully submits that the elements and limitations of the claims of the present application, as recited herein, are patentably distinguishable from the teachings of the cited references for at least the following reasons.

Appellant's dependent claim 20 recites, "The method of claim 19, further including visually indicating the device is down using a colored icon."

Claim 20 depends indirectly from independent claim 15. For the reasons presented above, Appellant respectfully submits that independent claim 15 is in condition for allowance. From Appellant's review of the Grieve '756 and Richardson '987 references, the Grieve '756 and Richardson '987 references do not cure the deficiencies of the Ellis '882 and Maso '265 references. That is, the Ellis '882, Maso '265, Grieve '756, and Richardson '987 references, individually or in

combination, do not teach, suggest, or make obvious, "opening a socket connection on the device in response to an SNMP error message returned from the device", as recited in independent claim 15. Accordingly, Appellant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claim 20.

CONCLUSION

Appellant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner and/or members of the Board are invited to telephone Appellant's attorney Edward J. Brooks III at (612) 236-0120 to facilitate this appeal.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this correspondence is being transmitted to the United States Patent and Trademark Office facsimile number (571) 273-8300, on this 15 day of October, 2008.

Jennifer L. Vonhof
Name

Signature

Respectfully Submitted,
James A. Lamb, et al.

By their Representatives:

Brooks, Cameron & Huebsch, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

Atty: Edward J. Brooks III
Reg. No.: 40,925

Date: 10/15/2008

VIII. CLAIMS APPENDIX

1. (Original) A network management station, comprising:

a processor;

a memory coupled to the processor; and

program instructions provided to the memory and executable by the processor to:

transmit an SNMP message to a device connected to the management station over a network;

open a socket connection on the device in response to an SNMP error message returned from the device; and

initiate a time-out function upon opening the socket connection.

2. (Previously Presented) The network management station of claim 1, wherein the program instructions include a platform independent function call to execute instructions which open the socket connection.

3. (Previously Presented) The network management station of claim 2, wherein the platform independent function call is a Java based function call.

4. (Previously Presented) The network management station of claim 1, wherein the SNMP error message includes a generic error message.

5. (Previously Presented) The network management station of claim 1, further including program instructions which can execute to selectably establish a time period in connection with the time-out function based on input from a network administrator.

6. (Previously Presented) The network management station of claim 1, further including program instructions which execute to indicate a status of the device based on successful SNMP messages and the time-out function.

7. (Previously Presented) The network management station of claim 1, wherein the program instructions execute to indicate a device is down when both the SNMP error message and a time-out failure message are received.

8. (Previously Presented) The network management station of claim 1, wherein the device and the station are connected over a local area network (LAN).

9. (Previously Presented) The network management station of claim 1, wherein the device and the station are connected over a wide area network (WAN).

10. (Original) A network management station, comprising:

a processor;

a memory coupled to the processor; and

program instructions provided to the memory and executable by the processor to:

send an SNMP request to a device connected to the management station over a network;

register a return error message to the SNMP request from device;

execute a Java based function call to open a socket connection on the device in response to the return error message;

initiate a time-out function upon opening the socket connection; and

indicate a device status based on successful SNMP requests and the time-out function.

11. (Previously Presented) The network management station of claim 10, wherein the program instructions execute to indicate the device status is up upon receiving successful SNMP requests.

12. (Previously Presented) The network management station of claim 10, wherein the program instructions execute to indicate the device status is up when:

a return error message to the SNMP request is registered by the program instructions; and

a response is received by the program instructions prior to an expiration of the time-out function.

13. (Previously Presented) The network management station of claim 10, further including program instructions to selectably establish a time-out period in association with the time-out function.

14. (Previously Presented) The network management station of claim 13, wherein the program instructions execute to indicate the device status is down when:

a return error message to the SNMP request is registered by the program instructions; and

a time-out failure message associated with the time-out function is received by the program instructions.

15. (Original) A method for device status identification, comprising:

transmitting an SNMP message to a device;

opening a socket connection on the device in response to an SNMP error message returned from the device; and

initiating a time-out function upon opening the socket connection.

16. (Original) The method of claim 15, further including using a platform independent function call to open the socket connection on the device.

17. (Original) The method of claim 16, further including using a Java based function call to open the socket connection on the device.

18. (Original) The method of claim 15, further including establishing a time out period in association with the time-out function.

19. (Original) The method of claim 18, further including indicating the device is down upon:

registering the SNMP error message; and

receiving a time-out failure message associated with the time-out function.

20. (Original) The method of claim 19, further including visually indicating the device is down using a colored icon.

21. (Original) The method of claim 15, further including indicating the device is up upon receiving successful SNMP requests.

22. (Previously Presented) The method of claim 15, further including indicating the device is up upon:

Registering the returned SNMP error message to the transmitted SNMP message; and

receiving a response prior to an expiration of the time-out function upon opening the socket connection.

23. (Original) A method for device status identification, comprising:

sending an SNMP request to a device;

registering a return error message from the device in response to the SNMP request;

executing a Java based function call to open a socket connection on the device in response to the return error message;

initiating a time-out function upon opening the socket connection; and

indicating a device status based on successful SNMP requests and the time-out function.

24. (Original) The method of claim 23, further including indicating a device is up if a message is returned from the socket connection of the device prior to an expiration of the time-out function.

25. (Original) The method of claim 23, further including indicating a device is down if no message is returned from the socket connection of the device prior to an expiration of the time-out function.

26. (Original) A computer readable medium having instructions for causing a device to perform a method, comprising:

transmitting an SNMP message to a device on a network;

opening a socket connection on the device in response to an SNMP error message returned from the device; and

initiating a time-out function upon opening the socket connection.

27. (Previously Presented) The computer readable medium of claim 26, further including indicating a device status based on successful SNMP requests and the time-out function.

28. (Original) A network management station, comprising:

a processor;

a memory coupled to the processor; and

means for determining a status of a device connected to the management station over a network in a platform independent manner.

29. (Previously Presented) The network management station of claim 28, wherein the means includes program instruction which execute to send a simple network management protocol (SNMP) request to the device.

30. (Previously Presented) The network management station of claim 29, wherein the means includes program instruction which execute to register successful SNMP requests as an up status for the device.

31. (Previously Presented) The network management station of claim 29, wherein the means includes program instructions which execute to register an up status for the device when:

a return error message to an SNMP request is received by the program instructions; and

a response message associated with opening a socket connection on the device is received by the program instructions prior to an expiration of a time-out function.

32. (Previously Presented) The network management station of claim 29, wherein the means includes program instructions which execute to register a down status for the device when:

a return error message to an SNMP request is received by the program instructions; and

a time-out failure message associated with a time-out function is received by the program instructions.

33. (Previously Presented) The network management station of claim 29, wherein the means includes program instructions having a platform independent function call to execute instructions which open a socket connection on the device.

34. (Previously Presented) The network management station of claim 33, wherein the platform independent function call is a Java based function.

IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDINGS APPENDIX

None